

Civil No. B 069450

IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT, DIVISION _____

CHURCH OF SCIENTOLOGY INTERNATIONAL,)

Plaintiff and Respondent,)

vs.)

GERALD ARMSTRONG,)

Defendant and Appellant.)

[Los Angeles Superior
Court No. BC 052395]

COURT OF APPEAL - SECOND DIST.
FILED

NOV 13 1992

JOSEPH A. LAINE

Clerk

R. TAYLOR

Deputy Clerk

APPLICATION FOR EXTENSION OF TIME
IN WHICH TO FILE APPELLANT'S OPENING BRIEF;
DECLARATION OF FORD GREENE; ORDER

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NOV 20 1992

HUB LAW OFFICES

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Attorney for Appellant
GERALD ARMSTRONG

COPY

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IN THE COURT OF APPEAL FOR THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT, DIVISION _____

CHURCH OF SCIENTOLOGY INTERNATIONAL,)	
)	
Plaintiff and Respondent,)	[Los Angeles Superior
)	Court No. BC 052395]
vs.)	
)	
GERALD ARMSTRONG,)	
)	
Defendant and Appellant.)	
_____)	

APPLICATION FOR EXTENSION OF TIME
IN WHICH TO FILE APPELLANT'S OPENING BRIEF

Defendant and appellant GERALD ARMSTRONG requests an extension for 30 days of the time in which to file Appellant's Opening Brief to and including December 18, 1992. This application is based upon the Declaration of Ford Greene, attached hereto.

DATED: November 12, 1992

HUB LAW OFFICES

By: _____

FORD GREENE
Attorney for Defendant and
Appellant
GERALD ARMSTRONG

PROOF OF SERVICE

I am employed in the County of Marin, State of California. I am over the age of eighteen years and am not a party to the above entitled action. My business address is 711 Sir Francis Drake Boulevard, San Anselmo, California. I served the following documents:

APPLICATION FOR EXTENSION OF TIME
IN WHICH TO FILE APPELLANT'S OPENING BRIEF;
DECLARATION OF FORD GREENE; ORDER

on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California:

Andrew H. Wilson
WILSON, RYAN & CAMPILONGO
235 Montgomery Street, Suite 450
San Francisco, California 94104

LAURIE J. BARTILSON, ESQ.
Bowles & Moxon
6255 Sunset Boulevard, Suite 2000
Los Angeles, California 90028

COUNTY CLERK
Los Angeles Superior Court
111 N. Hill Street
Los Angeles, California

- [X] (By Mail) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at San Anselmo, California.
- [X] (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

DATED: November 12, 1992



DECLARATION OF FORD GREENE

FORD GREENE declares:

1. I am an attorney licensed to practice law in the Courts of the State of California and am the attorney of record for GERALD ARMSTRONG, appellant herein.

2. Pursuant to this Court's notice dated October 19, 1992, Appellant's Opening Brief must be served and filed on or before November 19, 1992. No previous extensions of time have been requested or granted.

3. I am a sole practitioner with a single person who acts as support staff.

4. The Appendix pursuant to CRC 5.1 required herein consists of hundreds of pages which were not susceptible of precise identification until the Reporter's Transcript was filed herein because I could not reconstruct from my notes all of the evidence that was admitted and excluded by the trial court during the hearing on respondent's motion for preliminary injunction the grant of which is the subject of this appeal. Additional time is needed to scrutinize the record in order to prepare an effective brief.

5. Additionally, in the action below, plaintiff/respondent CHURCH OF SCIENTOLOGY INTERNATIONAL has noticed a demurrer to ARMSTRONG's First Amended Answer and noticed a motion to strike his Cross-Complaint in such a manner that oppositions to both must be filed in the superior court on or before November 19, 1992. This conflicts with my ability to prepare an effective

Opening Brief.

6. The issues on appeal are numerous and complex. In part, said issues include, but are not limited to the following:

a. Whether it is a violation of public policy for Scientology to obstruct justice by suppressing evidence of its criminal and civil wrongdoing through the mechanism of employing settlement agreements, such as that which is the basis for the injunction below, to silence and intimidate witnesses;

b. Whether the settlement agreement at issue was a collusive attempt to engineer the reversal of an adverse superior court opinion in Church of Scientology of California v. Armstrong, Los Angeles Superior Court Action No. C 420153, affirmed on appeal, Church of Scientology of California v. Armstrong (1991) 232 Cal.App.3d 1060;

c. Whether the injunction below is in restraint of trade inasmuch as it prohibits Armstrong from working for anti-Scientology attorneys in perpetuity;

d. Whether the injunction below violates appellant's right to employment, to assembly, to free speech and association;

e. Whether the injunction below is incapable of enforcement;

f. Whether the injunction below is unconstitutionally vague and broad;

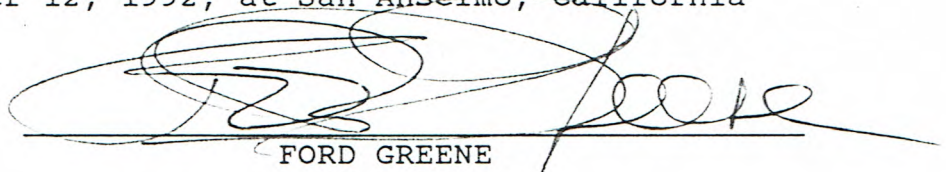
7. In consequence of the foregoing, I will not be able to complete our Appellant's Opening Brief in this case by November 18, 1992 without impairing the quality of the brief.

For this reason, I request a thirty day extension of time through and including December 18, 1992.

This extension of time in which to file Appellant's Opening Brief is sought in good faith and for the reasons set forth above and not for the purpose of delay.

Under penalty of perjury pursuant to the laws of the State of California I hereby declare that the foregoing is true and correct according to my first-hand knowledge, except those matters stated to be on information and belief, and as to those matters, I believe them to be true.

Executed on November 12, 1992, at San Anselmo, California



FORD GREENE

ORDER

IT IS HEREBY ORDERED that defendant and appellant GERALD ARMSTRONG shall have an extension of the time in which to file his Appellant's Opening Brief to and including December 18, 1992.

DATED: November ___, 1992

NOV 16 1992
No further extensions
will be granted.

WOODS, P. J.

Presiding Justice